

REMARKS

This is intended as a full and complete response to the Office Action dated October 10, 2006, having a shortened statutory period for response set to expire on January 10, 2007. Claims 1-22 have been examined. The Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph. The Examiner rejected claims 1-15 and 18-22 under 35 U.S.C. § 102(b) as being anticipated by Scobey (U.S. 6,320,996). The Examiner rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being obvious over Scobey in view of Lecture (Lecture 25, 30 November 1999).

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response, Applicants have amended claim 5 accordingly. Therefore, Applicants respectfully request the 35 U.S.C. § 112 rejection of claim 5 be removed and allowance of the same.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 8, 15, 18 and 22 as being anticipated by Scobey. In response, Applicants have amended claims 1, 8, 15, 18 and 22.

As amended, claims 1, 8, 15, 18 and 22 include limitations relating to "hitless switching" as generally set forth in the present application on pgs 8-10. For instance, claim 1 includes the limitation of a thin film filter having a thin film coating that allows a specific wavelength of an input optical signal to pass through and a reflective coating material that reflects the input optical signal, wherein the reflective coating has a thickness that is an integer multiple of the specific wavelength of the input optical signal; claim 8 includes the limitation of a thin film filter having a coating of the reflective material that has a thickness that allows for hitless switching of a wavelength of the light signal; claim 15 includes the limitation of a reflective material coated onto a lower surface of a first face in a thin film filter having a thickness t , wherein the thickness t is selected so that the intensity of the light beam that is projected at the cross junction of the thin film filter is at a maximum; claim 18 includes the limitation of a thin film filter partially coated with a thin film to transmit a specific wavelength of a light signal and is partially coated

with a reflective material to a thickness that allows the specific wavelength of the light signal to undergo hitless switching; and claim 22 includes the limitation of a hitless thin film filter.

Scobey fails to disclose hitless switching. Rather, Scobey merely discloses a thin film filter that is movable between a first position and a second position, whereby in the first position an input optical signal only hits a broadband reflective region and in the second position the input optical signal only hits a wavelength selective region (see Scobey, col. 7, lines 60-65 and Figures 2 and 3).

As the foregoing illustrates, Scobey fails to teach or suggest all the limitations of claims 1, 8, 15, 18 and 22. This failure precludes Scobey from anticipating claims 1, 8, 15, 18 and 22. Therefore, Applicants respectfully request the 102(b) rejection of claims 1, 8, 15, 18 and 22 be removed and allowance of the same. Additionally, since claims 2-7 depend from claim 1, claims 9-14 depend from claim 8 and claims 19-21 depend from claim 18, these claims are allowable for at least the same reasons as claims 1, 8, 15 and 18.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 16 and 17 as being obvious over Scobey in view of Lecture. Applicants respectfully traverse the rejection. Claims 16 and 17 depend from claim 15 and as set forth above Scobey fails to teach or suggest all the limitations in claim 15. Further, Lecture merely discloses an interference filter configured to allow transmission through a plane-parallel dielectric slab which is typically used in a Fabry-Perot interferometer and thus fails to cure the deficiencies of Scobey. This failure precludes the combination of Scobey and Lecture from rendering claims 16 and 17 obvious. Applicants therefore submit that claims 16 and 17 are in condition for allowance and respectfully request withdrawal of the §103(a) rejection.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the case is in condition for allowance. If the Examiner has any questions, please contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,



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